

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 CYNTHIA C. LIE  
4 Assistant Federal Public Defender  
5 160 West Santa Clara Street, Suite 575  
6 San Jose, CA 95113  
7 Telephone: (408) 291-7753

8 Counsel for Defendant SMITH

9

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12  
13  
14  
15

UNITED STATES OF AMERICA,	)	No. CR-07-00651 RS
vs.	)	STIPULATION AND [PROPOSED]
CHERYL SMITH,	)	ORDER CONTINUING HEARING
Defendant.	)	
	)	

---

16 **STIPULATION**

17 The parties hereby stipulate and agree that the status hearing in above-captioned matter  
18 may be continued from Thursday, December 13, 2007 at 11:00 a.m. to Thursday, January 24,  
19 2008 at 11:00 a.m. The reason for the requested continuance is to permit defense counsel to  
20 review the discovery provided to date with the defendant and to accommodate the scheduling  
21 conflicts of both parties. The parties further stipulate that 42 days may be excluded from the time  
22 within which trial shall commence, as the reasonable time necessary for effective defense  
23 preparation and continuity of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).  
24

25

26

1 Dated: December 10, 2007

2 s/  
3 CYNTHIA C. LIE  
Assistant Federal Public Defender

4 Dated: December 10, 2007

5 s/  
6 SUSAN KNIGHT  
Assistant United States Attorney

7

8 **[PROPOSED] ORDER**

9 Good cause appearing and by stipulation of the parties, it is hereby ordered that the  
10 above-captioned matter shall be continued from Thursday, December 13, 2007 to Thursday,  
11 January 24, 2008 at 11:00 a.m.

12 It is further ordered that 42 days shall be excluded from the time within which trial shall  
13 commence, as the reasonable time necessary for effective defense preparation and for continuity  
14 of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

15

16

17

Dated: December \_\_\_, 2007

18

19

RICHARD SEEBORG  
United States Magistrate Judge

20

21

22

23

24

25

26